

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

DEMOCRACY NORTH CAROLINA, THE LEAGUE
OF WOMEN VOTERS OF NORTH CAROLINA,
DONNA PERMAR, JOHN P. CLARK, MARGARET
B. CATES, LELIA BENTLEY, REGINA
WHITNEY EDWARDS, ROBERT K. PRIDDY II,
WALTER HUTCHINS, AND SUSAN SCHAFFER,

Plaintiffs,

v.

THE NORTH CAROLINA STATE BOARD OF
ELECTIONS; DAMON CIRCOSTA, in his
official capacity as CHAIR OF THE
STATE BOARD OF ELECTIONS; STELLA
ANDERSON, in her official capacity
as SECRETARY OF THE STATE BOARD OF
ELECTIONS; KEN RAYMOND, in his
official capacity as MEMBER OF THE
STATE BOARD OF ELECTIONS; JEFF
CARMON III, in
his official capacity as MEMBER OF
THE STATE BOARD OF ELECTIONS; DAVID
C. BLACK, in his official capacity
as MEMBER OF THE STATE BOARD OF
ELECTIONS; KAREN BRINSON BELL, in her
official capacity as EXECUTIVE
DIRECTOR OF THE STATE BOARD OF
ELECTIONS; THE NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION; J. ERIC
BOYETTE, in his official capacity as
TRANSPORTATION SECRETARY; THE NORTH
CAROLINA DEPARTMENT OF HEALTH AND
HUMAN SERVICES; MANDY COHEN, in her
official capacity as SECRETARY OF
HEALTH AND HUMAN SERVICES,

Defendants,

and

Civil Action

No. 20-cv-00457

LEGISLATIVE DEFENDANTS'
MOTION TO DISMISS IN PART
PLAINTIFFS' SECOND AMENDED
COMPLAINT

PHILIP E. BERGER, in his official capacity as PRESIDENT PRO TEMPORE OF THE NORTH CAROLINA SENATE; and TIMOTHY K. MOORE, in his official capacity as SPEAKER OF THE NORTH CAROLINA HOUSE OF REPRESENTATIVES,

*Legislative Defendant-
Intervenors.*

**LEGISLATIVE DEFENDANTS' MOTION TO DISMISS
PLAINTIFFS' SECOND AMENDED COMPLAINT IN PART**

Pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6), Legislative Defendants respectfully move for this Court to dismiss counts 1, 2, 3, and 4 of Plaintiffs' second amended complaint (Doc. 30). The motion should be granted for the reasons stated in the accompanying brief in support.

Dated: July 2, 2020

/s/ Nicole J. Moss
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*Local Civil Rule 83.1 Counsel
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Respectfully submitted,

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**Notice of Appearance
Forthcoming*

CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that on the 2nd day of July, 2020, she electronically filed the foregoing Legislative Defendants' Motion To Dismiss in Part Plaintiffs' Second Amended Complaint with the Clerk of the Court using the CM/ECF system, which will send notification of such to all counsel of record in this matter.

/s/ Nicole J. Moss
Nicole J. Moss